

Kevin A. Lake, Esquire (VSB# 34286)  
VANDEVENTER BLACK LLP  
P.O. BOX 1558  
Richmond, Virginia 23218-1558  
T: (804) 237-8811  
F: (804) 237-8801

*Local Counsel to Local Texas Tax Authorities*

-and-

Elizabeth Weller, Esquire  
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP  
2323 Bryan St. #1600  
Dallas, TX 75201  
(469)221-5075 phone  
(469)221-5002 fax

*Lead Attorneys for Local Texas Tax Authorities,*

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN THE MATTER OF:

CASE NO. 08-35653

CIRCUIT CITY STORES, INC.

DEBTOR

CHAPTER 11

**MOTION FOR LEAVE OF COURT TO APPEAR TELEPHONICALLY**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Bexar County, Cameron County, City of Cedar Hill, Dallas County, El Paso, Frisco, Gregg County, Harlingen, Harlingen CISD, Irving ISD, Jefferson County, Longview ISD, McAllen, McAllen ISD, McLennan County, Nueces County, Rockwall CAD, Rockwall County, Round Rock ISD, South Texas College, South Texas ISD, Tarrant County, Harris County, Cypress-Fairbanks ISD, Fort Bend County, and Montgomery County (hereinafter the “Local Texas Tax Authorities”) and City of Memphis (together the “Local Tax Authorities” or “Tax Authorities”) by and through its undersigned local counsel, hereby move the Court for leave for Elizabeth Weller, lead counsel for the Texas Taxing Authorities, to attend telephonically the Hearing on Debtors’ Motion for Partial Summary Judgment on the Thirty-

Seventh Omnibus Objection to Claims (Reduction of Certain Personal Property Tax Claims) on June 8, 2010, and in support thereof, would show the Court the following:

1. The Texas Taxing Authorities hold several claims which are subject to the Thirty-Seventh Omnibus Objection to claims.

2. Pursuant to the Court's Supplemental Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1

Establishing Certain Amended Notice, Case Management, and Administrative

Procedures dated December 30, 2009, "Upon request, the court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the is granted on a case by case basis."

3. This Court has previously entered an Order Granting the motion of Kevin A. Lake for for an Order Authorizing Elizabeth Weller to Appear Pro Hac Vice Pursuant to Local Bankruptcy Rule 200-1(E)(2).

4. The Texas Taxing Authorities respectfully request leave of Court for Elizabeth Weller to appear telephonically at the Hearing. Weller is located in Texas. Although Local Counsel has been retained, the Texas Taxing Authorities' claims and the Motion for Partial Summary Judgment concern the interplay of Texas tax law and the Bankruptcy Code. Ms. Weller is experienced in Texas property tax law and has a unique knowledge of the issues regarding the Texas Taxing Authorities' claims which would aid in the efficient resolution of the motion for partial summary judgment. Weller is not planning on appearing at the hearing in person because she was advised this afternoon that the creditors' committee in this case will be withdrawing its objection to the Texas Taxing Authorities claims. Movant asserts that the interest of justice

would be served by allowing Ms. Weller to appear telephonically at the Hearing and participate in the event that any issues about the withdrawal of the objections come up at said hearing. .

WHEREFORE, the Texas Taxing Authorities request that Elizabeth Weller be permitted to appear telephonically and participate, if necessary, at the Hearing on Debtors' Motion for Partial Summary Judgment on the Thirty-Seventh Omnibus Objection to Claims (Reduction of Certain Personal Property Tax Claims) on June 8, 2010 and for such other relief to which it may show itself entitled.

Dated this 7<sup>th</sup> day of June, 2010

Respectfully submitted,

**VANDEVENTER BLACK LLP**

/s/ Kevin A. Lake

Kevin A. Lake, Esquire (VSB# 34286)

VANDEVENTER BLACK LLP

707 E. Main Street, Suite 1700

P.O. Box 1558

Richmond, VA 23218-1558

Tel: 804.237.8811

Fax: 804.237.8801

[klake@vanblk.com](mailto:klake@vanblk.com)

/s/ Elizabeth Weller

Elizabeth Weller, Esquire

LINEBARGER GOGGAN BLAIR &

SAMPSON, LLP

2323 Bryan St. #1600

Dallas, TX 75201

(469)221-5075 phone

*Lead Attorneys for Local Texas Tax Authorities*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the aforesaid motion to be served on the following parties by First Class U. S. Mail or by facsimile, and to those parties receiving notification through the Court's electronic notification system on June 8, 2010.

/s/ Kevin A. Lake

Dion W. Hayes and Douglas M. Foley  
McGuire Woods LLP  
901 Cary Street  
Richmond, VA 23219  
Fax: 804.775.1061

Gregg M. Galardi and  
Ian S. Fredericks  
Skadden Arps Slate Meagher and Flom LLP  
One Rodney Square  
Wilmington, DE 19899  
Fax: 302.651.3001

Chris Dickerson  
Skadden Arps Slate Meagher and Flom LLP  
155 N. Wacker Drive  
Chicago, IL 60606  
Fax: 312.407.0411